

# Senate Amendment 5098

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1 1 Amend Senate File 2313 as follows:  
1 2 #1. By striking everything after the enacting  
1 3 clause and inserting the following:  
1 4 <Section 1. NEW SECTION. 22.7A CONFIDENTIALITY  
1 5 OF INFORMATION ON CERTAIN COUNTY PUBLIC RECORDS.  
1 6 1. Notwithstanding any provision to the contrary,  
1 7 a county shall not disclose the name of a person who  
1 8 has requested confidentiality under subsection 2 or  
1 9 who has received an order requiring confidentiality  
1 10 under subsection 3 with respect to public records  
1 11 posted on the county's website, posted on the website  
1 12 of any county officer, or supplied by any county  
1 13 officer for posting on another website.  
1 14 2. A person may request confidentiality by  
1 15 submitting a written request and a copy of a civil or  
1 16 criminal restraining order or order for protection,  
1 17 naming the person or a member of the person's  
1 18 household as plaintiff, to the county auditor. Upon  
1 19 receiving such a request, the county auditor shall  
1 20 notify the chairperson of the board of supervisors and  
1 21 each county officer charged with keeping or  
1 22 maintaining public records, and it shall be the duty  
1 23 of the county officers to not disclose the person's  
1 24 name as part of a public record as provided in  
1 25 subsection 1.  
1 26 3. In lieu of using the procedure in subsection 2,  
1 27 a person may file a petition in the district court of  
1 28 the county for an order requiring confidentiality.  
1 29 The person shall include in the petition an affidavit  
1 30 stating the reasons the person believes the person's  
1 31 life or safety or the life or safety of a member of  
1 32 the person's household is in danger and shall attach  
1 33 supporting documentation which may include but is not  
1 34 limited to:  
1 35 a. A statement or report from a law enforcement  
1 36 agency, medical professional, mental health  
1 37 professional, or domestic violence shelter.  
1 38 b. Witness statements regarding the incidents that  
1 39 cause the person to believe the person's life or  
1 40 safety or the life or safety of a member of the  
1 41 person's household is in danger.  
1 42 Upon good cause shown in the petition, affidavit,  
1 43 and supporting documentation that the person believes  
1 44 the person's life or safety or the life or safety of a  
1 45 member of the person's household is in danger, the  
1 46 court shall order that the person's name shall not be  
1 47 disclosed as part of a public record as provided in  
1 48 subsection 1. A copy of the order shall be mailed by  
1 49 the clerk of the district court to the county auditor.  
1 50 The county auditor shall forward a copy of the order  
2 1 to the chairperson of the board of supervisors and to  
2 2 each county officer charged with keeping or  
2 3 maintaining public records, and it shall be the duty  
2 4 of the county officers to not disclose the person's  
2 5 name as part of a public record as provided in  
2 6 subsection 1.  
2 7 Sec. 2. NEW SECTION. 22.7B CONFIDENTIALITY OF  
2 8 INFORMATION ON CERTAIN CITY PUBLIC RECORDS.  
2 9 1. Notwithstanding any provision to the contrary,  
2 10 a city shall not disclose the name of a person who has  
2 11 requested confidentiality under subsection 2 or who  
2 12 has received an order requiring confidentiality under  
2 13 subsection 3 with respect to public records posted on  
2 14 the city's website, posted on the website of any city  
2 15 officer, or supplied by any city officer for posting  
2 16 on another website.  
2 17 2. A person may request confidentiality by  
2 18 submitting a written request and a copy of a civil or  
2 19 criminal restraining order or order for protection,  
2 20 naming the person or a member of the person's  
2 21 household as plaintiff, to the city clerk. Upon  
2 22 receiving such a request, the city clerk shall notify  
2 23 the city council and each city officer charged with  
2 24 keeping or maintaining public records, and it shall be

2 25 the duty of the city officers to not disclose the  
2 26 person's name as part of a public record as provided  
2 27 in subsection 1.

2 28 3. In lieu of using the procedure in subsection 2,  
2 29 a person may file a petition in the district court of  
2 30 the county for an order requiring confidentiality.

2 31 The person shall include in the petition an affidavit  
2 32 stating the reasons the person believes the person's  
2 33 life or safety or the life or safety of a member of  
2 34 the person's household is in danger and shall attach  
2 35 supporting documentation which may include but is not  
2 36 limited to:

2 37 a. A statement or report from a law enforcement  
2 38 agency, medical professional, mental health  
2 39 professional, or domestic violence shelter.

2 40 b. Witness statements regarding the incidents that  
2 41 cause the person to believe the person's life or  
2 42 safety or the life or safety of a member of the  
2 43 person's household is in danger.

2 44 Upon good cause shown in the petition, affidavit,  
2 45 and supporting documentation that the person believes  
2 46 the person's life or safety or the life or safety of a  
2 47 member of the person's household is in danger, the  
2 48 court shall order that the person's name shall not be  
2 49 disclosed as part of a public record as provided in  
2 50 subsection 1. A copy of the order shall be mailed by

3 1 the clerk of the district court to the city clerk.  
3 2 The city clerk shall forward a copy of the order to  
3 3 the city council and to each city officer charged  
3 4 with keeping or maintaining public records, and it  
3 5 shall be the duty of the city officers to not disclose  
3 6 the person's name as part of a public record as  
3 7 provided in subsection 1.

3 8 Sec. 3. Section 48A.34, Code 2005, is amended to  
3 9 read as follows:

3 10 48A.34 CONFIDENTIALITY OF INFORMATION ON CERTAIN  
3 11 RECORDS.

3 12 1. Voter registration records are available for  
3 13 public inspection at reasonable times at the office of  
3 14 the county commissioner. The commissioner and any  
3 15 voter registration agency which has custody of voter  
3 16 registration records shall take the necessary steps to  
3 17 ensure that the name of the agency at which the voter  
3 18 registration form was submitted remains confidential.

3 19 2. A person may request that the person's name not  
3 20 be disclosed on voter registration records by  
3 21 submitting a written request for confidentiality and a  
3 22 copy of a civil or criminal restraining order or order  
3 23 for protection, naming the person or a member of the  
3 24 person's household as plaintiff, to the county auditor  
3 25 of the county in which the person resides. Upon  
3 26 receiving such a request, the county auditor shall  
3 27 notify the state registrar of voters, and it shall be  
3 28 the duty of both the auditor and the state registrar  
3 29 of voters to not disclose the person's name on voter  
3 30 registration records.

3 31 3. In lieu of using the procedure in subsection 2,  
3 32 a person may file a petition in the district court of  
3 33 that person's county of residence for an order  
3 34 requiring that the person's name not be disclosed as  
3 35 part of voter registration records. The person shall  
3 36 include in the petition an affidavit stating the  
3 37 reasons the person believes the person's life or  
3 38 safety or the life or safety of a member of the  
3 39 person's household is in danger and shall attach  
3 40 supporting documentation which may include but is not  
3 41 limited to:

3 42 a. A statement or report from a law enforcement  
3 43 agency, medical professional, mental health  
3 44 professional, or domestic violence shelter.

3 45 b. Witness statements regarding the incidents that  
3 46 cause the person to believe the person's life or  
3 47 safety or the life or safety of a member of the  
3 48 person's household is in danger.

3 49 Upon good cause shown in the petition, affidavit,  
3 50 and supporting documentation that the person believes  
4 1 the person's life or safety or the life or safety of a  
4 2 member of the person's household is in danger, the  
4 3 court shall order that the person's name shall not be  
4 4 disclosed on voter registration records. A copy of  
4 5 the order shall be mailed by the clerk of the district

4 6 court to the state registrar of voters and to the  
4 7 county auditor of the county where the voter  
4 8 registration records are maintained. Upon receipt of  
4 9 the copy of the order, it shall be the duty of the  
4 10 county auditor and the state registrar of voters to  
4 11 not disclose the person's name as part of voter  
4 12 registration records.

4 13 4. For purposes of subsections 2 and 3, "voter  
4 14 registration record" means data on registration,  
4 15 participation in elections, and inclusion on voter  
4 16 registration lists.

4 17 Sec. 4. EFFECTIVE DATE. This Act, being deemed of  
4 18 immediate importance, takes effect upon enactment.

4 19 Sec. 5. APPLICABILITY DATE. The section of this  
4 20 Act amending section 48A.34 first applies to voter  
4 21 registration records made available for public  
4 22 inspection and disbursement on or after January 1,  
4 23 2007.>

4 24 #2. Title page, by striking lines 1 through 3, and  
4 25 inserting the following: <An Act relating to  
4 26 confidentiality of certain information on voter  
4 27 registration records and city and county public  
4 28 records for certain persons and including effective  
4 29 and applicability date provisions.>

4 30 #3. By renumbering as necessary.

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